

IDAHO Supreme Court

JUDICIAL/ADMINISTRATIVE NEWS

SEPTEMBER 2004



New Chief Justice Elected

Idaho's Supreme Court has a new Chief Justice effective September 1st. Justice Gerald Schroeder, who has served in the Idaho judiciary longer than any other current judge, has succeeded Justice Linda Copple Trout who had served two consecutive, four-year terms as Chief.

Chief Justice Schroeder says his main focus will be to follow on the excellent job Justice Trout did as the leader of the Idaho Courts.

"Chief Justice Trout has done such a wonderful job it's really a matter of keeping things going in the right direction," Schroeder said. He emphasized the efforts of the Idaho courts to create Drug Courts in each judicial district, enhance access to the Court, and create Court Assistance Offices.

"I think we must focus on keeping things on track rather than undertaking anything particularly innovative. There is simply no budget to look too far beyond what is occurring right now," Schroeder said.

Justice Trout said she does believe Idaho has "done a terrific job in addressing those issues that I thought were most critical to the courts when I was sworn in as Chief Justice, and certainly accessibility to the courts would be the high point."

Justice Trout has also received high marks for working well with the other branches of government, but she said many people deserve the credit for being able to carry out outstanding services during a time of severe budget constraint.

"I don't give myself a lot of the credit, all three branches have been open minded and willing to work together for the citizens of Idaho," Trout said. "I'd like to take the credit, but I think it's a statement on their willingness to listen and do the things that have made a real impact."

The new Chief Justice, who has served on the Idaho Supreme Court since 1995 and in the Idaho court system since 1969, said he is pleased to have the opportunity to serve as Chief Justice. "The judicial system has been a lot kinder to me than I deserve," Schroeder said, and he quipped, "I guess there are some advantages to longevity."

For her part, Justice Trout said she would miss many aspects of the Chief Justice position, but not all the detailed, administrative responsibilities.

As to the accomplishments on her watch, Trout said: "It is easy to focus on me, since I'm no longer going to be Chief. What is far more important is to focus on what the courts have been able to do. None of what we have accomplished would have been possible without the leadership of district and magistrate judges, court administrators, Patti Tobias and her staff, the clerks, and all the people who believed in the causes we were able to advance. They truly deserve the credit."

Justice Trout will serve as Vice Chief Justice of the Idaho Courts.

ATR Grant Awarded to Idaho

President Bush recently announced that \$100 million in "Access to Recovery" (ATR) grants are available to people seeking drug and alcohol treatment for a range of appropriate community-based services.

By providing vouchers, the ATR Grant Program promotes client choice, expands access to a broad array of clinical treatment and recovery support services, as well as increasing substance abuse treatment capacity. The 3-year grants are being awarded to 14 states (including Idaho) and one tribal organization.

Idaho was awarded \$7.6 million per year for each of three years for a total of approximately \$22.8 million. We will keep you informed about developments and work hard to make a significant share of these funds available to the district courts.

Guardianship/Conservatorship Committee

The Idaho Legislature's interim committee on the guardianship and conservatorship system in Idaho has held its first two meetings. The Committee, co-chaired by Rep. Debbie Field and Senator Bart Davis, was created by unanimous vote of the 2004 Idaho Legislature to undertake a comprehensive study of the guardianship and conservatorship system in the state.

Full minutes of the group's July and August meetings are available on-line at:
<http://www2.state.id.us/legislat/2004%20Interim/04intcom.html#guardian>

The full text of HCR 50, which created the Committee, is also available on-line.

The Committee's next meeting is set for September 21 in Boise. Please forward comments on any issues you would like raised with the Committee or suggestions to Patti Tobias or Michael Henderson. The agenda for the September meeting is posted at:
<http://www2.state.id.us/legislat/2004%20Interim/guardian0713r.pdf>



Clerk Needs Assessment Deadline

Each year, the Clerk of the District Court Manual and Training Committee plans training opportunities and designs the curriculum for the annual Idaho Institute for Court Management and the Distance Learning Program. In addition, the committee develops resources such as the Clerks Manual CD. The Committee is always interested in other educational opportunities and resources that would benefit elected clerks and deputy clerks.

The last Clerk and Deputy Clerk Training Needs Assessment was conducted statewide in 1997. The Committee seeks your input to guide its efforts in developing the most appropriate program for enhancing the knowledge, skills and abilities of the clerks and deputy clerk and requests your help in completing the Committee's most recent survey.

If you haven't sent in your needs assessment survey, please do so as soon as possible. If you have any questions or need additional information please contact Sharon Burke 208-947-7409 or sburke@isc.state.id.us.

Sixth District Law Library Move

The Arthur P. Oliver Law Library Collection in Pocatello has been in the process of being moved over the past month. The Bannock County Sheriff and Commissioners Inmate

Labor Detail, headed by Sgt. Lyle Criddle, Deputy Ed Jones, and Deputy Randy Warwick have been extremely helpful assisting in emptying the law library in the Sixth District Court and loading shelves at the Eli Oboler Library at Idaho State University, the new home for the collection.

When the dust settles, with both ISU and Bannock County's collections, the Sixth District's community will have one of the prime law libraries in Idaho. All of the books will be available to the public for reference purposes. For additional information call Suzanne Johnson, Trial Court Administrator, 208-236-7355.



New Publication About Drug Courts

"The Future of Drug Courts: How States Are Mainstreaming the Drug Court Model" is a white paper which takes a close look at how several states (including Louisiana, Missouri, New York and Ohio) are creating statewide plans to support the ongoing implementation of drug courts and the broad dissemination of drug court principles.

You can download a copy of the white paper at:
http://www.courtinnovation.org/pdf/future_of_drug_courts.pdf





A round-up of judicial personnel making news across Idaho



Judge Robinson Sworn In

Judge Casey Robinson took the oath of office recently as Magistrate Judge for Gooding County.



Judge Smith to ADJ in Sixth District

Effective September 1, District Judge Randy Smith assumed Administrative District Judge responsibilities for the Sixth Judicial District. Judge Smith replaces Judge Don Harding who has served the district for the last three years.

Judge Orr Takes Oath

Judge Debra Orr was recently sworn into office by Administrative District Judge James C. Morfitt at the Canyon County Courthouse in the presence of a large gathering of family, friends and employees of the Third Judicial District.

Bingham County Applicants Listed

Ten candidates have applied for the vacant Magistrate Judge position in Bingham County. The candidates are:

- Stevin Earl Brooks, Attorney, Malad City
- Brian Ralph Goates, Attorney, Blackfoot
- John (Jay) Hilbert Stephenson II, U.S. Army Judge Advocate, Fort Lewis, Washington
- Todd Robert Erikson, Attorney, Idaho Falls
- Darren B. Simpson, Bingham County Chief Deputy Prosecutor, Blackfoot
- Scott Hillam Hansen, Attorney, Blackfoot
- Cindy Lou Campbell, Attorney, Blackfoot
- John Scott Andrew, Bingham County Prosecuting Attorney, Blackfoot
- Bruce Lyman Pickett, Chief Deputy Prosecuting Attorney, Idaho Falls
- John Calvin Percy, non-attorney, Blackfoot

Interviews were scheduled for September 10, 2004.

New Magistrate Judge in the 6th District

After interviewing and reviewing a field of excellent candidates, Rudolph Enrico Carnaroli, more commonly known as Rick Carnaroli, was appointed as magistrate judge to replace R. Ted Israel. He comes from the City of Pocatello, where he currently serves as the Chief Civil Deputy/Risk Manager. For the City, he practices in areas of municipal, employment, tort, contract, real property, criminal, constitutional, Indian, personnel and insurance law. From 1985-1994, Rick worked for Service Gasser & Kerl as a private practitioner. His expected start date will be October 4, 2004.



Judge Squire Announces Retirement

Clearwater County Magistrate Judge Orin Squire announced his retirement, effective at the end of his current term. Judge Squire was appointed to the bench in 1999. Congratulations, Judge Squire!

Judge Israel Moves to Blaine from Bannock

Magistrate Judge Ted Israel has resigned from his position in Bannock County, in order to assume a new position as a Magistrate Judge for Blaine County. Judge Israel took over the new position on August 2.



The vacancy in Blaine County was created when Judge Robert Elgee became a District Judge for the Fifth Judicial District. An open house was held last month at the Blaine County Courthouse to welcome Judge Israel to the district.

Former Trial Court Administrator Dies

B. (Benard) James Koehler, Jr., 87, of Parma died August 19. Mr. Koehler served the Third Judicial District as Trial Court Administrator until his retirement in 1984.

Judge Kramer Dies

Judge Douglas Kramer, 79, died at home in Boise on August 17. A memorial service for the long-time and well-respected jurist was held on August 28.

Judge Kramer was born in Fairfield on Jan. 15, 1925. He attended the first Idaho "Boy's State" in 1940 where he befriended future Senator Frank Church. He attended the University of Idaho, receiving his Bachelor of Arts in 1949 and Juris Doctor in 1951.

He practiced law in Twin Falls for 22 years and was an advocate for the less fortunate and tried many cases for little or no payment. He was Commander of the Twin Falls American Legion Post #7, State Commander and a National Committeeman of the American Legion, President of the District Bar Association, and was rated an "A" lawyer in Martindale-Hubbe.

He was also a member of the Twin Falls Masonic Lodge #45, El Korah Shrine, and the VFW. He was President of the Twin Falls Chamber of Commerce, one of the founders of the College of Southern Idaho, and a published author.

Judge Kramer was elected Fifth District Judge in 1974, presiding in Hailey for 11 years and serving as Administrative Judge over eight counties.

When Blaine County was badly in need of a new judicial building, Judge Kramer found the needed funds and ordered construction of the building. Inmate labor was used in much of the building to fulfill community service sentences. The county commissioners named the completed Kramer Judicial Building in his honor.

Judge Kramer sat with the Idaho Supreme Court several times, and the state judiciary annually bestows the Kramer Award for judicial excellence to worthy recipients.

Judge Murray Honored

The Family Law Section held its annual section reception and award ceremony this year at the Boise Art Museum Sculpture Garden. Each year the ISB Family Law Section looks for an individual whose career, effort and heart have been dedicated to the sound, progressive administration of justice in the area of family law. The Council, headed by Chair, Tore Beal Gwartney, selected Judge Bryan Murray for this year's honor.



The Family Law Section Award of Distinction has been presented annually since 1989. The inaugural recipient was Judge Patricia Young. Over the years, outstanding lawyers, judges and court personnel have been recognized.

The reception coordinator, Linda Pall, said that "Judge Murray's outstanding commitment to children, his creative problem solving on the bench, his tireless leadership across Idaho for court reform to benefit families and children, and his personal example as a husband and father made him a natural choice for this honor."



Bellwood Memorial Lecture

Helaine M. Barnett, the leader of the nation's Legal Services Program for the Poor, will deliver the annual Sherman J. Bellwood Memorial Lecture at the University of Idaho on October 21, 2004.

Additional information about the Bellwood Lecture and related events may be obtained from Law School Dean Don Burnett at dburnett@uidaho.edu, or visit the Law School's website: <http://www.law.uidaho.edu/>.

Conference for Judicial Interpreters

The first annual Ada County Conference for Judicial Interpreters was held August 20. Interpreters and translators for the Judiciary and other parties interested in interpreting attended the unique conference.

Judges from the Fourth District, prominent local attorneys, and local law enforcement officers provided an overview of the criminal and civil system, the role of interpreters in court proceedings, and discussed specialized terminology related to weapons and drugs.

For additional information please contact Sandra Cockayne at 208-287-7686 or scockayne@adaweb.net.

Parent/Child Mediators Trained

The Idaho Supreme Court hosted four regional trainings recently for parent/child mediators with funds allocated from the tobacco settlement dollars in the Millennium Fund. The classes were held in Idaho Falls, Twin Falls, Boise and Coeur d'Alene to train volunteer mediators who will mediate with juveniles and their families in an early intervention of status offense cases.

Parent/child mediation has proven to be very successful in working with families in the Fifth District's Status Offender Services Program. Bob and Wendy Werth, Werth & Werth Mediation Services, have mediated with a number of families in the district and also serve as trainers for other mediators in Idaho.

Bob Werth, attorney, certified professional mediator, and licensed clinical professional counselor, presented the courses and received very positive evaluations from participants. Bob has had extensive experience in mediating cases and training mediators.

Volunteer mediators are available to serve as a resource to courts and probation offices. The volunteer mediator is trained to work with at-risk juveniles and families to develop a plan that resolves conflict and defines a more harmonious and productive relationship for the family members.

The list of volunteer mediators is available from the Supreme Court. Please call Sharon Burke at 208-947-7409 to discuss how to use the volunteers in your community.

Community Justice Workshops

Teams from seven communities met in Boise this summer to learn about community justice and develop an implementation plan for their communities.

Boise County has led the way with active community involvement in addressing crime and utilizing restorative justice principles to heal the damage of a crime for the victim, the community, and the offender.

Community justice is a collaboration among a range of traditionally separate entities, including citizens, criminal justice agencies, other government agencies, and social service providers, which emphasizes community-focused problem solving.

Participating teams included Boise County, Camas/Blaine Counties, Lincoln County, Owyhee County, Valley County and Elmore County. A follow-up training is made possible by Millennium Funds and will be conducted in each community in October.



Important Websites



- ⚖️ **Idaho Supreme Court:** <http://www.isc.idaho.gov>
- ⚖️ **Idaho State Law Library:** <http://www.isll.idaho.gov>
- ⚖️ **Idaho State Bar:** <http://www.idaho.gov/isb>
- ⚖️ **Court Assistance Offices:** <http://www2.state.id.us/cao>
- ⚖️ **Idaho Law Foundation 2003 – 2004 Annual Report Online:** http://www2.state.id.us/isb/gen/ilf_info.htm#AnnRpt
- ⚖️ **National Center for State Courts:** <http://www.ncsconline.org>

JUDICIAL/ADMINISTRATIVE NEWS is published by the Idaho Supreme Court.

Chief Justice Gerald F. Schroeder

Justice Linda Copple Trout

Justice Wayne L. Kidwell

Justice Daniel T. Eismann

Justice Roger S. Burdick

We are very interested in your news and information. If you have or are aware of items that should be featured in a future edition of Judicial/Administrative News please let us know!

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Thanks!



Note: For the most up-to-date Judicial Calendar, check the Judiciary's homepage at <http://www.isc.idaho.gov/calendar.htm>